

what it says, Edward Earl Walker, held in the Lancaster County jail since December, has won a reprieve from sentencing for his federal crack cocaine conviction. He is one of 13 people in Nebraska who have obtained since April sentencing postponements as judges wait to see whether federal sentencing guidelines will change. The proposed changes will become law November 1st, unless Congress takes action to change or stop them. In federal courthouses around the country defense attorneys are beginning to file motions for continuances in crack case sentencings because of possible changes in sentencing. The U.S. Sentencing Commission, in Washington, is asking that the guidelines be changed because they treat crack cocaine as 100 times worse than powder cocaine. The commission wants the penalties for powder and crack cocaine to be equal. The commission also wants to reduce the length of mandatory minimum sentences for crack. The current guidelines trigger mandatory minimum sentences with smaller amounts of crack than with other drugs. The commission found that application of the guidelines discriminates against blacks. A study by the commission found that in 1993, 88 percent of offenders convicted in federal court for crack distribution were black. Walker, 37, was to be sentenced June 5th for conspiracy to distribute .14 to .175 of an ounce of crack cocaine. The postponement is until November 1st. His attorney, Robert Creager of Lincoln, sought the continuance on a motion that cited the commission's proposed changes. "The immediate reason, of course, is that people in my client's position will receive a substantial reduction in the potential sentencing range", Creager said. For Walker existing guidelines would mean that with his criminal history he would be sentenced to a range of four years and nine months to five years and eleven months for the crack conspiracy, Creager said. If the penalties for crack and powder cocaine were equalized, as the commission proposes, Walker would face a sentencing range of one year to one and a half years, Creager said. Judge Richard Kopf, of Lincoln, in granting the motion last week, said the guidelines currently have a disparate impact on blacks and that the commission may recommend this summer that the change become retroactive. First, this is a quote, "first a continuance is appropriate because the amended guidelines raise especially important public policy questions about color blind application of the law", Kopf wrote in his ruling. Kopf also wrote, "There is absolutely no question that African Americans are more frequently subjected to the very harsh sentencing guidelines regarding crack than are whites." U.S. District Court Judge Lyle Strom, of Omaha, has granted 12 of the 13 crack sentencing